

To: Ex. 6 - Personal Privacy
From: McKim, Krista
Sent: Wed 4/26/2017 2:42:04 PM
Subject: RE: Menominee River

Dear Ex. 6 - Personal Privacy

Thank you for your recent email expressing concerns about the proposed Aquila Resources Inc. Back Forty Project in Menominee County, Michigan.

As currently proposed, the Back Forty Project requires a number of permits, including permits required by federal statute. The State of Michigan, rather than the U.S. Environmental Protection Agency, has the authority and responsibility to review permit applications and issue these permits, if appropriate. In its oversight role, EPA reviews the State's permits to ensure their consistency with federal statutes.

EPA has engaged with the Michigan Department of Environmental Quality (MDEQ) on each of the following permits required by federal law:

Clean Air Act Permit: During the public comment period, EPA provided MDEQ a comment letter dated October 26, 2016, stating concerns with some of the draft air construction permit conditions. As part of its permitting process, MDEQ provided a response to comments document addressing EPA's comments and all comments received during the public comment period at time of final air construction permit issuance. MDEQ revised certain permit conditions to address EPA's concerns.

Clean Water Act Section 402 Permit: EPA provided comments on the draft NPDES permit during the public comment period. In accordance with EPA's Memorandum of Agreement with MDEQ for the NPDES permit program, we received a revised version of the permit and MDEQ's responses to comments from MDEQ on February 1, 2017. EPA provided additional comments to MDEQ on the revised permit. EPA's comments were focused primarily on toxicity testing and ambient monitoring requirements. EPA's comments were accepted by MDEQ and incorporated into the permit and fact sheet before it was issued on April 5, 2017.

Clean Water Act Section 404 Permit: In August 2016, EPA objected to MDEQ issuing a Wetlands and Inland Lakes and Streams Permit under its assumed CWA Section 404 program. Aquila Resources Inc. subsequently withdrew its MDEQ permit application. In January 2017, Aquila Resources Inc. re-applied to MDEQ. After finalizing its completeness review, MDEQ will issue a public notice, at which time, the public, tribes, and EPA will have an opportunity to provide comments. EPA will provide a thorough review of the revised permit application.

Michigan also maintains state authority to issue mining permits under Part 632 of its Natural Resources and Environmental Protection Act. EPA does not have authority to oversee the State's Part 632 permits.

In addition, under the Great Lakes Water Quality Agreement (2012), the Lower Menominee River located in the border cities of Marinette, WI and Menominee, MI is considered an Area of Concern (AOC). EPA and its state partners (MDEQ and Wisconsin Department of Natural Resources (WDNR)) have implemented a number of sediment remediation and habitat restoration projects to clean up past industrial and land use problems in the area, with the results showing significant environmental improvements. The AOC includes the lower three miles of the Menominee River from the Park Mill Dam (Upper Scott Dam) to the river mouth and extends approximately three miles north of the river mouth along the adjacent Green Bay shoreline. The mine project is proposed to be located approximately 50 miles up the river from the AOC. As long as the proposed project is in compliance with Clean Water Act permits issued by MDEQ, the effect of the project on the AOC should be minimal.

Thank you for your interest in this matter. If you have further questions, please contact Krista McKim, at 312-353-8270 or mckim.krista@epa.gov.

Best Regards,

Krista McKim, P.E.

Environmental Engineer

US EPA, Region 5

312.353.8270

McKim.Krista@epa.gov

From: Hubbard, Polly [<mailto:Polly.Hubbard@bellin.org>]
Sent: Friday, March 31, 2017 2:00 PM
To: Bryant, Michael <Bryant.Michael@epa.gov>
Subject: Menominee River

Mr. Bryant:

I am contacting you in regards to the proposed Aquila Resources Back Forty Project proposed to be located within 150' of the Menominee River. This site is located 10 miles upriver from Green Bay/Lake Michigan. This will be an open-pit sulfide mine, processing and storing tailings on-site.

The concerns are many in regards to the environment. There is a huge concern for the Lake Sturgeon and the efforts and money that has been put into preserving this pre-historic species. The Menominee River is a huge draw for fishing and recreation. We will be hosting the Cabela's Fishing Tournament in August.

The people of Michigan and Wisconsin do not want this mine and we do not want to put the environment at risk in the advent of a natural disaster such as a tornado or flooding. The mine pit is designed to be located within 150' of the Menominee River and is dangerously near 100-year flood plain.

If you have any advice or input, it would be greatly appreciated. Thank you for your time and consideration.

Best Regards,

Polly Hubbard